

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BRICKLAYERS' & ALLIED CRAFTWORKERS)
LOCAL #2 ALBANY, NY PENSION FUND,)
Individually and on Behalf of All Others Similarly)
Situating,)

Plaintiff,)

v.)

NEW ORIENTAL EDUCATION &)
TECHNOLOGY GROUP INC., CHENGGANG)
ZHOU, MICHAEL MINHONG YU, and ZHIHUI)
YANG,)

Defendants.)

Case No. 1:22-cv-01014-VM

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**NOTICE OF MOTION OF ACATIS INVESTMENT
KAPITALVERWALTUNGSGESELLSCHAFT MBH FOR APPOINTMENT AS
LEAD PLAINTIFF, APPROVAL OF ITS SELECTION OF LEAD COUNSEL,
AND CONSOLIDATION OF RELATED ACTIONS**

ANDRES MIJARES-ORTEGA, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

V.

NEW ORIENTAL EDUCATION &
TECHNOLOGY GROUP INC., CHENGANG
ZHOU, MICHAEL MINHONG YU, and ZHIHUI
YANG,

Defendants.

Case No. 1:22-cv-01876-VM

PLEASE TAKE NOTICE that on a date and a time designated by the Court, before the Honorable Victor Marrero, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, Courtroom 15B, New York, New York, ACATIS Investment Kapitalverwaltungsgesellschaft mbH (“ACATIS”) will respectfully move this Court, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), for entry of an order: (i) appointing ACATIS as Lead Plaintiff; (ii) approving its selection of Bernstein Litowitz Berger & Grossmann LLP (“Bernstein Litowitz”) to serve as Lead Counsel for the Class; (iii) consolidating the above-captioned related securities class actions (the “Related Actions”) pursuant to Rule 42(a) of the Federal Rules of Civil Procedure (“Rule 42(a)"); and (iv) granting any such further relief as the Court may deem just and proper.

This Motion is made on the grounds that ACATIS believes that it is the “most adequate plaintiff” under the PSLRA and should therefore be appointed Lead Plaintiff. Specifically, ACATIS believes that it has the “largest financial interest” in the relief sought by the Class in this action by virtue of, among other things, the approximately \$8.6 million in losses that it incurred on its purchases of 894,700 shares of New Oriental Education & Technology Group Inc. (“New Oriental”) American Depositary Shares between April 24, 2018 and July 22, 2021, inclusive. ACATIS also believes that it otherwise satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure because its claims are typical of other Class members’ claims and because it will fairly and adequately represent the interests of the Class. Moreover, ACATIS is a paradigmatic Lead Plaintiff under the PSLRA because it is a sophisticated institutional investor with a substantial financial interest in the litigation and the ability to supervise and monitor counsel.

This Motion is based upon this Notice of Motion, the accompanying Memorandum of Law in support thereof, the Declaration of Avi Josefson filed herewith, and all exhibits attached thereto, the pleadings and other filings herein, and such other written or oral argument as may be permitted by the Court.

WHEREFORE, ACATIS respectfully requests that the Court: (i) appoint it as Lead Plaintiff pursuant to the PSLRA; (ii) approve its selection of Bernstein Litowitz to serve as Lead Counsel for the Class; (iii) consolidate the Related Actions pursuant to Rule 42(a); and (iv) grant any such further relief as the Court may deem just and proper.

Dated: April 5, 2022

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

/s/ Avi Josefson

Avi Josefson

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*Counsel for Proposed Lead Plaintiff ACATIS
Investment Kapitalverwaltungsgesellschaft mbH and
Proposed Lead Counsel for the Class*